

Sub 317  
A  
1. (Once Amended). A method for controlling jitter buffer size for a jitter buffer of a communication device for communication with a network, the method comprising the steps of:

monitoring said network for at least one burst period;

analyzing said at least one burst period and determining a likelihood for at least one subsequent burst period [from said at least one burst period] therefrom; and

adjusting said jitter buffer size based on said determined likelihood for said at least one subsequent burst period.

#### REMARKS

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. The applicant has carefully studied the First Office Action of July 12, 2000, and this paper is intended to be fully responsive to all points of rejection raised by the Examiner.

Initially, drawing Figs. 1-3 were objected to. Applicant has amended these drawing figures in accordance with the Examiner's suggestions. These amendments are made in red ink. Approval is requested.

Applicants note the allowance of claims 3 and 6-8, if rewritten to overcome the rejections under 35 US 112, second paragraph, as detailed below.

Claims 1-8 were rejected under 35 USC 112, second paragraph, for failing to point out and particularly claim the subject matter of the invention.

Claim 1 has been amended editorially, so as to be clearer. With respect to the term "likelihood", and also in claims 3, 6 and 7, this term is *likelihood* directed to the chance of another burst, based on detection and analysis of *N* an earlier burst, from which the jitter buffer size will be adjusted. Support for this term is throughout, the specification, and for example at page 11, line 23 to page 12, line 3 and Appendix A.

With respect to claim 3, the "width" is defined in the specification at page 11, lines 5-7, as a value for a Time To Play (TTP) statistic. An exemplary width of two statistics is detailed with respect to Fig. 7 and at page 11, lines 16-22. It is respectfully asserted that the clause beginning with "calculating the width . . .", is in a format proper for method claims and thus, all antecedents are proper. No

With respect to claim 4 it is respectfully asserted that "estimating said jitter buffer size" results in "an estimate", and thus, this term in this claim has a proper antecedent. No

Claim 6 is a statistical analysis, as detailed in Appendix A and noted in the specification at, for example, page 12, lines 2-3.

Claim 8 is dependent on claim 7, and while not specifically commented on by the Examiner, is proper under 35 USC 112, second paragraph, for the same reasons as claim 7, from which it depends.

Based on the arguments above, claims 1-8 include proper antecedents and all terms therein are supported by the specification. Accordingly, it is respectfully asserted that claims 1-8 are proper under 35 USC 112, second paragraph, whereby these rejections should be withdrawn.

Claims 1, 2, 4, 5 and 9-14 were rejected under 35 USC 102(b) as anticipated by Steagall, et al. (US Patent No. 5,127,001) (Steagall).

Claims 1 and 7 recite a methods where jitter buffer size is adjusted based on the likelihood or probability of a subsequent burst period, from an analysis of a previous burst. Claims 9 and 13 recite audio receivers comprising jitter buffers and structures for adjusting jitter buffer size based on the likelihood or probability of a subsequent burst period, from an analysis of a previous burst.

Steagall is directed to a system for conducting a conference call over a distributed digital network. A conference call packet processor includes a variable threshold timer that controls queues to alternate between having one voice packet and being empty. This variable threshold timer alters the queues based on the current state of the play out interval of the voice packets.

This reference does not show any structure and methods for monitoring the network to detect a burst and subsequently use this burst information to alter the queues in a subsequent burst. Accordingly, claims 1, 7, 9 and 13 are not anticipated by Steagall under 35 USC 102(b).

Since claims 1, 7, 9 and 13 are not anticipated by Steagall under 35 USC 102(b), claims 2, 4, 5, 10-12 and 14, respectively dependent thereon, are also not anticipated by Steagall for the same reasons. These claims further distinguish the invention over Steagall.

Claims 1, 2, 4, 5, 9, 10, 13 and 14 were rejected under 35 USC 102(b) as anticipated by Klingler (U.S. Patent No. 5,323,272).

Claims 1, 7, 9 and 13 have been discussed above. That discussion is applicable here.

Klingler is directed to an audio receiver with a FIFO memory buffer. The FIFO memory buffer is adjusted by logic that changes the buffer based on its current situation.

This is unlike the claimed invention that alters jitter buffer size in accordance with a likelihood of a subsequent burst, based upon an analysis of a previous burst. Accordingly, claims 1, 7, 9 and 13 are not anticipated by Klingler under 35 USC 102(b).

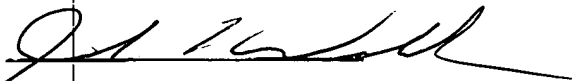
Since claims 1, 7, 9 and 13 are not anticipated by Klingler under 35 USC 102(b), claims 2, 4, 5, 10-12 and 14, respectively dependent thereon, are also not anticipated by Klingler for the same reasons. These claims further distinguish the invention over Klingler.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Allowance of all pending claims, claims 1-14, is respectfully requested.

Respectfully submitted,  
V. Pogrebinsky, et al.,  
By his Attorneys,  
Aquilino, Welsh & Flaxman

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by   
Name: John L. Welsh  
Reg. No. 33,621

Aquilino, Welsh & Flaxman  
2341 Jefferson Davis Hwy.  
Suite 112  
Arlington, VA 22202  
Tel: (703) 920-1122  
Fax: (703) 920-3399